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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

Burgo

Civil Action No. ¹⁷16-00813

versus

Judge Rebecca F. Doherty

Stansbury, et al

Magistrate Judge Carol B. Whitehurst

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record including the objections filed by petitioner, and having determined that the findings and recommendations are correct under the applicable law;

IT IS ORDERED that the (1) Motion to Dismiss for Failure to State a Claim filed by defendants James D. Caldwell, Paul Joseph DeMahy and Ed Leonard, Jr. [Rec. Doc.58]; (2) Motion to Dismiss for Failure to State a Claim filed by defendant McDermott, Inc. [Rec. Doc. 61]; (3) Motion to Dismiss Judge Kim Stansbury [Rec. Doc. 75]; and (4) the Motion to Dismiss under Rule 12(b)(1)(6) filed by Cliff Dressel [Rec. Doc.80] be GRANTED and Mr. Burgo's claims against the aforementioned defendants be DISMISSED.

IT IS FURTHER ORDERED that the State of Louisiana be **DISMISSED** as immune from suit under the Eleventh Amendment.

IT IS FURTHER ORDERED that Mr. Burgo's claims against defendants Sostenes R. Ruiz, III, and James McClelland be **DISMISSED** as barred by prosecutorial immunity and that Mr. Burgo's claims against Sherry Bayard be **DISMISSED** as barred by qualified immunity.

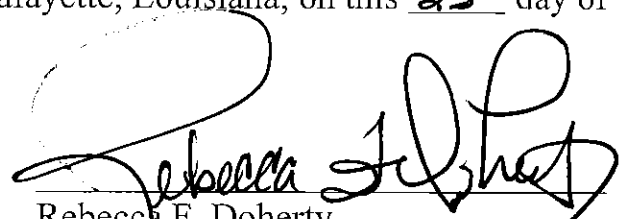
IT IS FURTHER ORDERED that Mr. Burgo's claims against Greg Aucoin and Robert Tracy be **DISMISSED** because they were not state actors and therefore cannot be held liable under § 1983.

IT IS FURTHER ORDERED that Mr. Burgo's claims against the United States and the United States Comptroller of the Currency be **DISMISSED** as these entities are immune from suit.

IT IS FURTHER ORDERED that the Motions to Dismiss For Lack of Jurisdiction [Rec. Doc. 88], [Rec. Doc. 95] and [Rec. Doc. 96] be **GRANTED** and Mr. Burgo's claims against defendants Lois Burgo, Diamond Burgo, Robert Fuhrer,

Marion Henry, Malcolm Sampey, John Legendre, Alfred Lippman, Donald Bollinger, Clifton Dickerson, III, Dale Hayes and C.M. Thibodeaux, Co., be **DISMISSED** because the court lacks subject matter jurisdiction over the state law claims asserted against these defendants.

THUS DONE AND SIGNED in Lafayette, Louisiana, on this 25 day of September, 2017.



Rebecca F. Doherty
United States District Judge